

NOT FOR CITATION
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL RAYMOND
 KENNEDY, SR.,

Petitioner,

vs.

D.K. SISTO, et al.,

Respondents.

No. C 06-5822 JF (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the California Board of Prison Terms' decision finding him unsuitable for parole. Petitioner is currently incarcerated at California State Prison - Solano, which is located in Solano County and within the venue of the Eastern District of California. Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

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1 Accordingly, this case is TRANSFERRED to the United States District Court for the
2 Eastern District of California, the location of Petitioner's confinement. See 28 U.S.C.
3 § 1404(a); Habeas L.R. 2254-3(b)(1). The Clerk shall transfer the entire file to the
4 Eastern District of California.

5 IT IS SO ORDERED.

6 DATED: 11/14/06


JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

2 Michael Raymond Kennedy, Sr.
3 D-26471
4 Solano State Prison
5 P.O. Box 4000
6 Vacaville, CA 95696-4000
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